

Quarterly Statistics on civil enforcement actions (2007-2018)

The current report aims to portray the quarterly evolution of the civil enforcement actions, from 2007 to 2018.

Pending civil enforcement actions and clearance rate – Quarterly evolution¹

In the fourth quarter of 2018, the number of pending civil enforcement actions has decreased 13.5% when compared to the end of the fourth quarter of 2017. On 31 December 2018, the number of pending civil enforcement actions was 605.197 (table 1).

The clearance rate², which measures the capacity of the system, on a given moment, to face the demand verified on that same moment was 170.3% in the fourth quarter of 2018. This resulted in a decrease in the pendency in this quarter. The fourth quarter of 2018 is the 25th consecutive quarter with a clearance rate higher than 100% (table 2).

Table 1 - Pending civil enforcement actions, 4th quarter

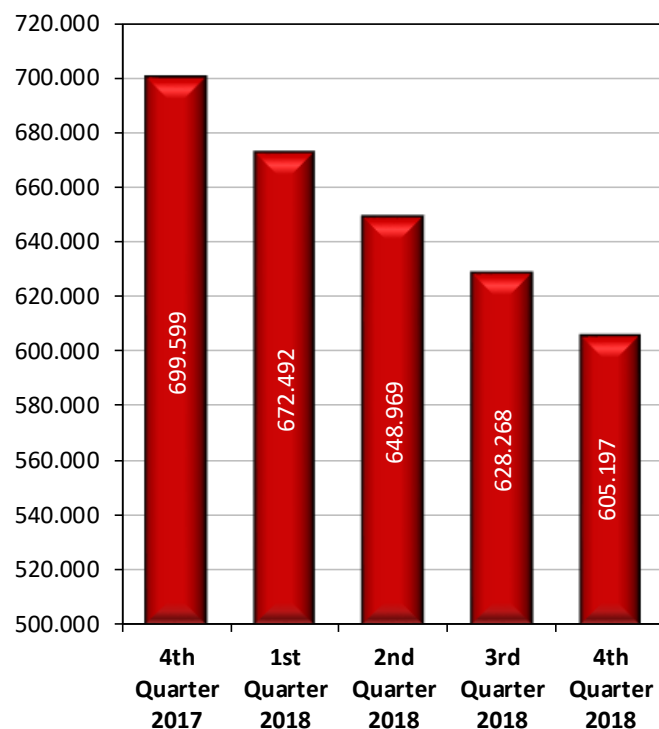
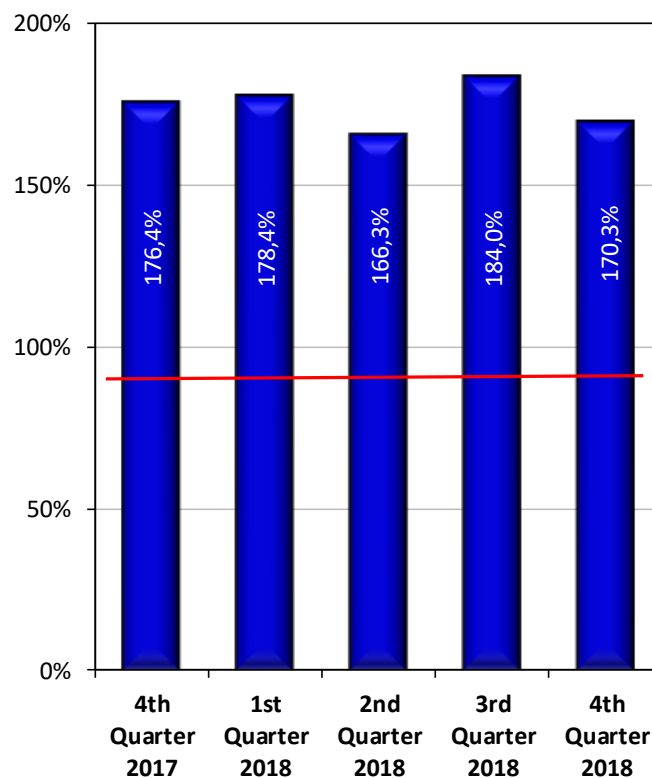


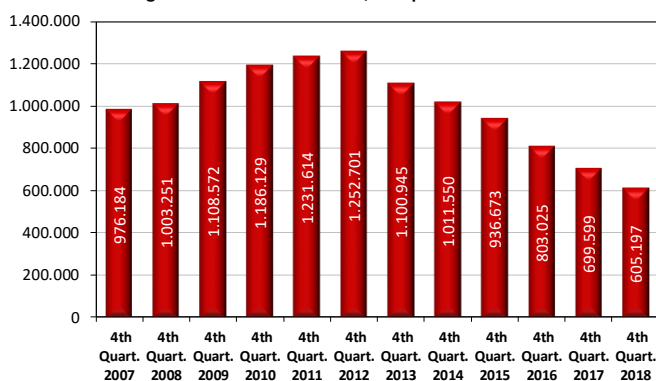
Table 2 - Clearance rate of the civil enforcement actions, per quarter



Pending civil enforcement actions, clearance rate and disposition time³ – Similar periods

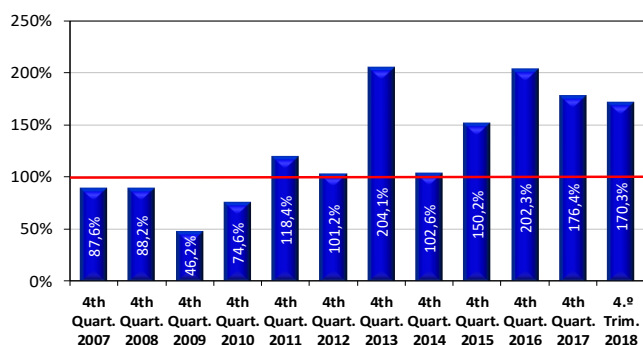
Regarding the similar periods corresponding to the fourth quarters of 2007 to 2018 and notwithstanding the increase verified between the fourth quarter of 2007 and the fourth quarter of 2012, in the fourth quarters of 2012 to 2018 there was an accumulated decrease of 51.7% in the number of pending civil enforcement actions (a decrease of 12.1% in 2013, of 8.1% in 2014, of 7.4% in 2015, of 14.3% in 2016, of 12.9% in 2017 and of 13.5% in 2018), when compared to the fourth quarter of 2012 (table 3).

Table 3 - Pending civil enforcement actions, 4th quarter



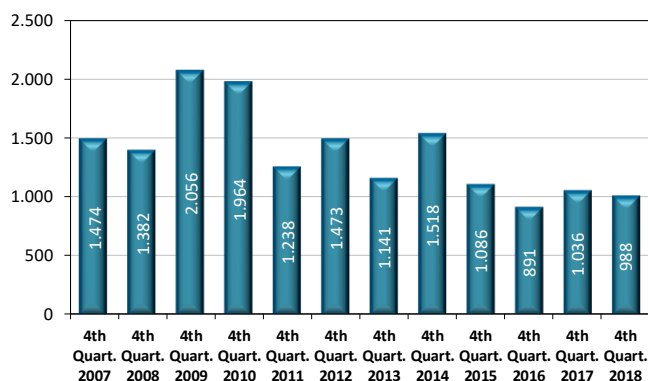
In the fourth quarter of 2018, the clearance rate was 170.3%, an increase of 124.1 percentage points when compared to the minimum value of 46.2% registered in the fourth quarter of 2009. Considering the similar periods corresponding to the fourth quarter of each year under analysis, the value registered in the fourth quarter of 2018 is the eighth consecutive value with the clearance rate higher than 100% (table 4).

Table 4 - Clearance rate of the civil enforcement actions, 4th quarter



The disposition time was, in the fourth quarter of 2018, of 1.075 days, having been registered a decrease in view of the value registered in the fourth quarter of 2017. When compared with the maximum value registered in the fourth quarter of 2009, the disposition time in the fourth quarter of 2018 has decreased 51.9%. Considering the similar periods corresponding to the fourth quarter of each year under analysis, the value registered in the fourth quarter of 2018 is the second lowest value of the disposition time (table 5).

Table 5 - Disposition time (in days) of the civil enforcement actions, 4th quarter



New and completed civil enforcement actions and procedural balance – Similar periods

In the fourth quarter of 2018, the number of completed civil enforcement actions has been considerably higher than the number of new civil enforcement actions⁴ (table 6). As a result, the procedural balance⁵ (table 7), in the fourth quarter of 2018 was positive, corresponding to less than 23.071 cases. This balance justifies the decrease in the pendency, and is the eighth consecutive similar quarter, recording a favourable evolution.

Table 6 - New and completed civil enforcement actions, 4th quarter

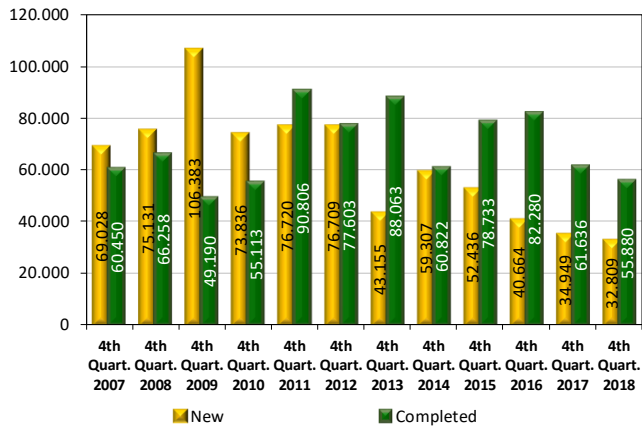
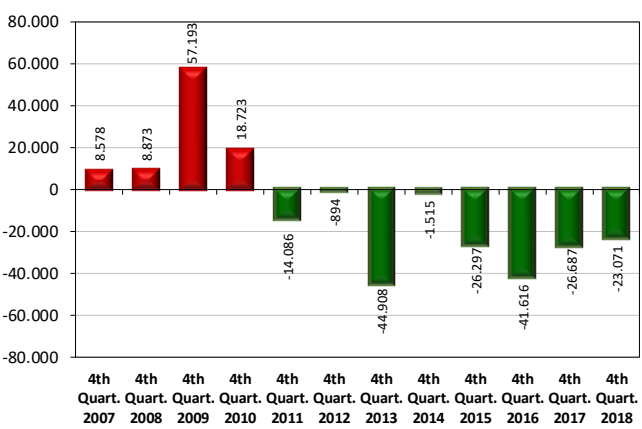


Table 7 - Procedural balance of the civil enforcement actions, 4th quarter

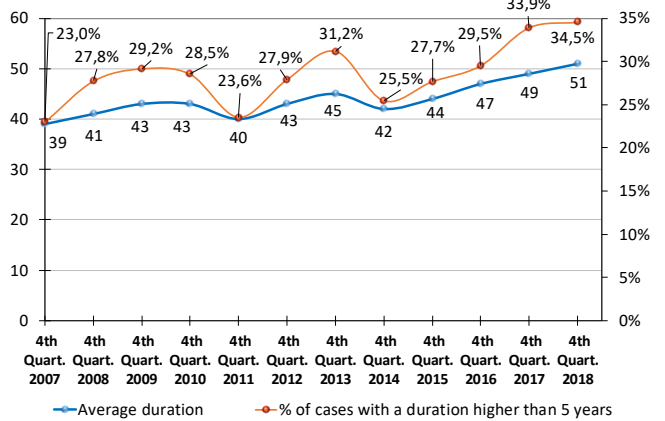


Average duration⁶ of completed civil enforcement actions – Similar periods

Regarding the average duration of the completed civil enforcement actions between the fourth quarter of 2007 and the fourth quarter of 2018, it is possible to verify that the value has ranged between 39 and 51 months (table 8). In the fourth quarter of 2018, when compared to the fourth quarter of 2007, there was an increase of 12 months in the average duration of the completed civil enforcement actions. Considering the similar period, corresponding to the fourth quarter of 2017, in the fourth quarter of 2018 there was an increase of 2 months in the average duration of the completed civil enforcement actions (going from 49 to 51 months). The increase of the average duration of completed cases between the fourth quarter of 2014 and the fourth quarter of 2018 is followed by an increase of the percentage

of older cases that were completed in those periods. When compared to the minimum value registered in the similar period of 2007, in the fourth quarter of 2018, the ratio of completed cases that were awaiting a final decision for more than 5 years (60 months) has increased 11.5 percentage points. In relation to the overall total, this percentage has gone from 23.0% in the fourth quarter of 2007, to 34.5% in the fourth quarter of 2018.

Table 8 - Average duration (in months) of completed civil enforcement actions, 4th quarter



Pending civil enforcement actions in the first instance courts (quarterly evolution)

Article 551(5) of the Civil Procedure Code, approved by the Law 41/2013, of 26 June, sets forth that the enforcement procedure takes place in court when the law requires or indicates that the court registry or the judge should take action within their competence and until they do so. As such, the enforcement procedure must not be considered as pending in court under any other circumstance. In this perspective, data given in this statistical highlight refer just to the total of civil enforcement actions, and include those cases that are not awaiting the practice of any act by the court⁷.

Footnotes

¹ Pending cases correspond to cases that have not had a final decision, judgment, sentence or order, in their respective instance, regardless of *res judicata*. These are cases that are waiting for acts or diligences to be carried out by the court, by the parties or by other entities. In certain types of cases, they may also be waiting for certain facts to occur or for a time period to run out. A suspended case is, for instance, a pending case, irrespective of the cause of suspension. In the case of pending civil enforcement actions in particular, and according to the legal model in force until 1 September 2013, where the new Civil Procedure Code entered in force, the cases rather than awaiting the practice of acts by the courts, may be waiting for acts to be carried out by external entities, public or private, as well as the practice of acts by the enforcement agents. A pending case is not necessarily a delayed case, as it may be a case that is running within the legal timeframes.

² The clearance rate corresponds to the ratio of the total volume of completed cases over the total volume of new cases. If equal to 100% the volume of new cases is equal to the completed ones, being the variation of the pendency zero. If greater than 100%, there is a recovery in the pendency. The higher this indicator is the higher the recovery in the pendency in that year. If less than 100%, the volume of new cases is higher than the completed ones, generating pendency for the following year.

³ The disposition time is an indicator that measures, in days, the time that would be required to complete all the cases that are pending at the end of a particular period based on the rate of work done in the same time period, i.e., the number of completed cases in this period. Applied to a quarter, this indicator multiplies by 91.25 (average number of days in a quarter) the total of pending cases at the end of the quarter divided by the total number of completed cases during that same period of time.

⁴ In the fourth quarters of the years 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018 were registered, respectively, in the legal model in force until 1 September 2013, 69.028, 75.131, 106.383, 73.836, 76.720, 76.709, 43.155, 59.307, 52.436, 40.664, 34.949 and 32.809 new civil enforcement actions and also respectively, 60.450, 66.258, 49.190, 55.113, 90.806, 77.603, 88.063, 60.822, 78.733, 82.280, 61.636 and 55.880 completed civil enforcement actions. However, from these totals, only 66.689, 73.194, 105.002, 72.328, 62.892, 75.102, 41.825, 52.998, 48.921, 37.616, 32.830 and 30.491 new civil enforcement actions and 58.111, 64.321, 47.809, 53.605, 76.978, 75.996, 86.733, 54.513, 75.218, 79.232, 59.517 and 53.562 completed civil enforcement actions correspond to actual movements of beginning and end of the cases. The remaining 2.339, 1.937, 1.381, 1.508, 13.828, 1.607, 1.330, 6.309, 3.515, 3.048, 2.119 and 2.318 cases do not correspond to new civil enforcement actions or to civil enforcement actions that have been completed. These numbers on new and completed cases refer to the total of civil enforcement actions that have run internally between organic units/courts. They are not thus cases that have re-entered the Portuguese courts but cases that were completed in the organic unit/court from where they left and that have entered the organic units/courts to which they were transferred.

⁵ The procedural balance corresponds to the difference between new and completed cases. If positive, there is an increase in the pendency. If negative, there is a decrease in the pendency.

⁶ The average duration of a completed case in court, according to the legal model in force until 1 September 2013, corresponds to the period of time between the day in which the case began in the court first seized and the day it was completed, even if re-distributed, that is, between the day the case began in the court where it entered and the day it was completed in that same court or in any another court to which it has been redistributed. The concept of average duration used in this statistical highlight corresponds to the so-called duration of the initial case, to which the duration in the various courts where it has run is added.

⁷ Following the changes introduced in the procedural system of the first instance courts on the implementation of the aforementioned legal provision in October 2017, the necessary works for its implementation in the scope of the Justice official statistics, including the monitoring of data quality are being carried out. These works will enable us to portray, in this context, the evolution of the civil enforcement actions in the first instance courts.

Framework note – Time scope and other considerations

From 2007, the statistical data related to the cases in the first instance courts are directly gathered from the courts' computer system. Thus the present procedural situation corresponds to the cases that are recorded in this system. In the new and completed cases are included those that were transferred between organic units, as a result of extinction and creation of new courts or sections.

Technical sheet:

The Directorate-General for Justice Policy (DGPJ) of the Ministry of Justice, in accordance with Article 2 (1) of Decree-Law 163/2012 of 31 July has the mission to give technical support within the scope of legislative production and legal assessment, to monitor the policies and the strategic planning for the sector, to coordinate the external affairs and the cooperation in the justice area, being also responsible for the statistical data in the Ministry of Justice.

Law 22/2008 of 13 May defines the basic general guidelines and principles that govern the National Statistical System (SEN), particularly with regard to the delegation of powers of the National Statistical Institute (INE), in other entities.

Under the provisions of Article 24 of Law 22/2008, of 13 May, a protocol was celebrated empowering DGPJ with the production and dissemination of the Justice official statistics.

As a delegated entity, DGPJ is subject to compliance, in its relevant part, with the Law 22/2008, of 13 May, with the Decree-Law 166/2007, of 3 May, as well as with the rules established by Community legislation, adopting the Code of Conduct for European Statistics and the Regulation for the Application of the Principle of Statistical Confidentiality of the National Statistical Institute.

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